

Report of the Corporate Director of Planning & Community Services

Address 108 FIELD END ROAD EASTCOTE PINNER

Development: Change of use from Class A1 Shop to Class A2 Financial and Professional Services.

LBH Ref Nos: 4784/APP/2009/1298

Drawing Nos: 0029/01/A
0029/02
Location Plan Scale 1:1250
Supporting Informatior

Date Plans Received: 14/06/2009 **Date(s) of Amendment(s):**
Date Application Valid: 29/06/2009

1. **SUMMARY**

It is considered that the proposal would not compromise the aims and objectives of the relevant policies contained within the adopted Hillingdon Unitary Development Plan and there are no material planning considerations that would justify a refusal of permission. It is accordingly recommended that the application be approved.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 T8 **Time Limit - full planning application 3 years**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 N12 **Air extraction system - noise and odour**

No air extraction system shall be used on the premises until a scheme for the control of noise emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is occupied/the use commences and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

3 NONSC **Non Standard Condition**

The premises shall not be used for deliveries and collections, including waste collections other than between the hours of 0800 hrs and 2000 hrs, Monday to Friday, 0800 hrs to 1300 hrs Saturdays and not at all on Sundays or Bank Holidays.

REASON

To safeguard the amenity of surrounding areas.

4 MCD4 Shop Window Display (Service Uses etc)

A window display appropriate to a shopping parade shall be provided prior to the commencement of the use for which permission is hereby granted and shall be permanently retained thereafter.

REASON

To ensure the appearance of the frontage is appropriate to the shopping area and assists in maintaining its vitality in accordance with Policy S6 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policy 3D.3.

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance

S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Change of use of shops in Parades
S12	Service uses in Secondary Shopping Areas
OE1	Protection of the character and amenities of surrounding properties and the local area
AM14	New development and car parking standards.

3 I1 Building to Approved Drawing

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

4 I3 Building Regulations - Demolition and Building Works

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to

demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

5 I5 Party Walls

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

- carry out work to an existing party wall;
- build on the boundary with a neighbouring property;
- in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

6 I6 Property Rights/Rights of Light

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

7 I15 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with: -

A) Demolition and construction works should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

D) No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

3. CONSIDERATIONS

3.1 Site and Locality

The site is situated on the western side of Field End Road and comprises a three storey, mid terrace property, the ground floor of which is currently vacant. The ground floor units in the block accommodate commercial properties with separate residential units above. The application site is situated within the Eastcote Minor Town Centre as identified in the adopted Hillingdon Unitary Development Plan (UDP) (Saved Policies, September 2007).

3.2 Proposed Scheme

Planning permission is sought for the change of use of the ground floor unit from retail (Class A1) to financial and professional services (Class A2). No external alterations are proposed. The proposed use would employ two full time members of staff. And the unit benefits from two existing off street car parking spaces to the rear of the site.

3.3 Relevant Planning History

4784/B/91/1926 108 Field End Road Eastcote Pinner
Erection of a single-storey rear extension to provide additional retail and storage space

Decision: 03-04-1992 Refused

4784/D/92/0631 108 Field End Road Eastcote Pinner
Erection of a single storey rear extension

Decision: 26-06-1992 Approved

Comment on Relevant Planning History

None

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

- S6 Change of use of shops - safeguarding the amenities of shopping areas
- S7 Change of use of shops in Parades
- S12 Service uses in Secondary Shopping Areas
- OE1 Protection of the character and amenities of surrounding properties and the local area
- AM14 New development and car parking standards.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

51 neighbouring residents and Eastcote Residents' Association were consulted - No comments have been received.

Internal Consultees

Environmental Protection have no objection to the proposal, subject to conditions controlling the hours of delivery and collection at the premises and a noise scheme in the event of air conditioning units being installed, together with the site construction informative.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site is located within the secondary shopping area of Eastcote Centre. Policy S12 states that in secondary shopping areas, the Local Planning Authority will grant permission for a number of uses which includes class A2 financial and professional services uses where it is satisfied that:

(a) The remaining retail facilities are adequate to accord with the character and function of the shopping centre and to provide for the needs of modern retailing including consumer interests;

(b) The proposed use will not result in a separation of class A1 uses or a concentration of non-retail uses which might harm the viability or vitality of the centre.

Within this row of commercial premises there are a number of uses including A1, A2, A3, A5 and D1. The majority of premises within the block would remain within A1 use. The properties either side of the application site would remain within A1 use. Within the Eastcote Town Centre there are a variety of shopping facilities including large retailers such as Boots, Superdrug and Tesco.

The UDP states that Class A1 units should remain the predominant use within secondary shopping frontages and that to this end a minimum of 50% of the frontage should be within Class A1 use. In the Eastcote Town Centre Secondary Parade, the Council's most recent survey carried out in July 2009 shows that 51.9% of the frontage is within Class A1 use. The change of use of this property would reduce this to 51.4%, which would still be within the 50% requirement. It is therefore considered that the loss of this retail unit would not have an unacceptable impact on the vitality or viability of Eastcote Town Centre.

It is considered that the proposal complies with policy S12 of the UDP and as such, subject to compliance with other relevant UDP saved policies the principal of development is considered acceptable.

7.02 Density of the proposed development

This is not applicable to this application.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

The application site is not a locally listed building nor it is located within a Conservation Area or Area of Special Character.

7.04 Airport safeguarding

This is not applicable to this application.

7.05 Impact on the green belt

The development is not located within the greenbelt.

7.06 Environmental Impact

This is not applicable to this application.

7.07 Impact on the character & appearance of the area

Policy S6 states that to safeguard the amenities of shopping areas, the Local Planning Authority will grant permission for changes of use from retail (Class A1) if the proposed use will not be detrimental to visual amenity where the premises forms part of a statutory or locally listed building or are located within a conservation area. In addition a frontage of a design appropriate to the surrounding should be maintained or provided.

The application site is not a locally listed building nor is it located within a Conservation Area. The proposal would not involve any external alterations to the premises and a condition has been recommended to ensure that an appropriate window display would be maintained. In light of this it is considered that the proposal would not have an unacceptable impact on the visual amenity of the area. It is considered that the proposal would comply with Policy S6 of the Hillingdon (UDP) (Saved Policies, September 2007).

7.08 Impact on neighbours

Policy S6 states that to safeguard the amenities of adjoining occupiers, the Local Planning Authority will grant permission for change of use from retail (Class A1) if the proposed use will not cause unacceptable loss of amenity to nearby residential properties by reason of disturbance, noise, smell, fumes, parking.

OE1 states that proposed uses should not have a detrimental impact on the character of an area or the amenities of neighbouring properties by reason of noise and vibration or the emission of dust, smell or other pollutants.

In terms of disturbance, noise, smell and fumes, the proposed use of the premises would not generate significantly greater noise and general disturbance than the existing A1 premises and as such it is considered that the proposal would be compatible with neighbouring uses and would not result in an unacceptable loss of amenity to nearby residents. It is considered that the proposal would comply with Policies S6 and OE1 of the London Borough of Hillingdon (UDP) (Saved Policies, September 2007).

7.09 Living conditions for future occupiers

The proposed use is not for residential and therefore not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

Policy S6 states that to safeguard the amenities of shopping areas, the Local Planning Authority will grant permission for changes of use of class A1 shops if the proposed use will not cause unacceptable traffic related problems.

Policy AM14 states that new development will only be permitted where it is in accordance with the council adopted car parking standards. The proposal would not affect the parking provision for the unit and would not result in demand for additional car parking spaces. As such the proposal would comply with policy AM14 of the UDP (Saved Policies 2007).

It is considered that an A2 premises would not generate any further traffic than the existing A1 retail unit. The car parking standards as set out in the UDP state that 1 car parking space is required for 50sqm of floor space. This proposal would involve a unit with 66sqm

of floor space, the unit has two existing off street car parking spaces and as such the proposal would accord with car parking standards and consequently it is considered that the proposal would not have a harmful effect on road safety. In light of the above it is considered that the proposal change of use would accord with the policies of the London Borough of Hillingdon (UDP) (Saved Policies 2007).

7.11 Urban design, access and security

There are no external alterations proposed as part of this application, the application is simply for the change of use of the ground floor unit. As such there are no urban design, access or security issues.

7.12 Disabled access

There are no external alterations proposed as part of this application, the application is simply for the change of use of the ground floor unit. As such there are no disabled access issues.

7.13 Provision of affordable & special needs housing

This is not applicable to this application.

7.14 Trees, Landscaping and Ecology

This is not applicable to this application.

7.15 Sustainable waste management

This is not applicable to this application.

7.16 Renewable energy / Sustainability

This is not applicable to this application.

7.17 Flooding or Drainage Issues

This is not applicable to this application.

7.18 Noise or Air Quality Issues

Noise issues are discussed elsewhere in the officers report.

7.19 Comments on Public Consultations

None

7.20 Planning Obligations

This is not applicable to this application.

7.21 Expediency of enforcement action

This is not applicable to this application.

7.22 Other Issues

None

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair

hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

As there are no S106 or enforcement issues involved, the recommendations have no financial implications for the Planning Committee or the Council. The officer recommendations are based upon planning considerations only and therefore, if agreed by the Planning Committee, they should reduce the risk of a successful challenge being made at a later stage. Hence, adopting the recommendations will reduce the possibility of unbudgeted calls upon the Council's financial resources, and the associated financial risk to the Council.

10. CONCLUSION

The proposal would not compromise the aims and objectives of the relevant policies contained within the adopted London Borough of Hillingdon Unitary Development Plan Saved Policies September 2007 and there are no material planning considerations that would justify a refusal of permission. It is accordingly recommended that the application be approved.

11. Reference Documents


The London Borough of Hillingdon (UDP) (Saved Policies September 2007).

Contact Officer: Caerwen Roberts

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.

This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.

© Crown Copyright. All rights reserved. London Borough of Hillingdon 100019283 2009

Site Address	
108 Field End Road Eastcote	
Planning Application Ref:	Scale
4784/APP/2009/1298	1:1,250
Planning Committee	Date
North	September 2009

**LONDON BOROUGH
OF HILLINGDON**

**Planning &
Community Services**

Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 250111



HILLINGDON
LONDON